

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 27.80  
Title 14, California Code of Regulations  
Re: Ocean Salmon Sport Fishing

- I. Date of Initial Statement of Reasons: January 5, 2004
- II. Date of Pre-adoption Statement of Reasons: March 16, 2004
- III. Date of Final Statement of Reasons: April 12, 2004
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: February 6, 2004  
Location: Long Beach, CA
  - (b) Discussion Hearing Date: March 5, 2004  
Location: Redding, CA
  - (c) Discussion Hearing Date: April 2, 2004  
Location: Sacramento, CA
  - (d) Adoption Hearing: Date: April 22, 2004  
Location: Sacramento (Teleconference)
- V. Update:

A minor editorial change was made in the definition of catch limits to simplify the regulations.

Since the Pre-adoption statement, The Pacific Fishery Management Council (PFMC) held one public hearing in California and met in Sacramento, California, the week of April 5-9, 2004 to decide the final regulations for Federal waters (3-200 miles offshore).

Option 1, as shown in the Pre-adoption statement, was adopted for the California sport fishery for all areas.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

To date, no oral or written comments have been received from the public in opposition to or in support of the proposed action.
- VII. Location and Index of Rulemaking File:

A rule-making file with attached file index is maintained at:

California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

The PFMC examined various alternatives in the process of adopting the management options on March 12, 2004 for public review. These included such alternatives as:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

The final regulation recommendations were made by the PFMC on April 9, 2004.

(b) No Change Alternative:

Upon approval of the PFMC's management recommendations by the SOC, the State must move in a timely manner to conform its ocean sport fishing regulations for salmon within State waters (0 to 3 miles offshore) to those adopted by the SOC; otherwise, preemption of State regulatory authority by the SOC may occur.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Regulations close to the status quo are expected to be adopted.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None

(g) Costs Imposed to Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

## Addendum to Final Statement

### VI. Summary of Primary Considerations Raised in Opposition and in Support:

- (1) Comments by Mr. Bob Strickland, April 2<sup>th</sup> Commission meeting: Mr. Strickland stated that (1) circle hooks are not decreasing hooking mortality as they can't be released when set in the fish's stomach and octopus hooks should be allowed as they are set in the fish's jaw; (2) raise the recreational limit to 3 fish or an earlier season to take the pressure off rockfish.

Department Response: 1) No hook can release the fish once it is set (embedded) in a fish's stomach and the resultant damage to the stomach will eventually lead to the fish's death. Octopus hooks were also examined during the Department's hook mortality studies and were found to be less effective than circle hooks in reducing mortality.

2) An increased bag limit and earlier season will increase impacts on endangered Sacramento River winter chinook. The adopted season has a unified 2005 season opening date of April 2 south of Point Arena and twenty-inch minimum size limit below Horse Mountain to reflect the NMFS 2004 Biological Opinion for endangered Sacramento River winter chinook. This will help lower impacts on rockfish while maintaining status-quo impacts on endangered Sacramento River winter chinook.

### Updated Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean fishing regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

The PFMC adopted regulation recommendations, similar to recent years, for the recreational ocean salmon fisheries in Federal waters (3 to 200 miles offshore) off the states of Washington, Oregon, and California for 2004. The various alternatives the PFMC examined in the process of adopting the management options on March 12, 2004, for public review included:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

The final regulation recommendations were made by the PFMC on April 9, 2004. Upon approval of the PFMC's management recommendations by the Secretary of Commerce, the State must move in a timely manner to conform its ocean sport fishing regulations for salmon in State waters (0 to 3 miles offshore) to those agreed upon by the PFMC; otherwise preemption of State regulatory authority by the Secretary of Commerce may occur. The federal regulations are expected to be implemented effective May 1, 2004.

The Initial Statement of Reasons reflected the range of possible management measures that were considered for 2004. At the PFMC's March 8-12, 2004 meeting, three options were developed that considered specific changes from current regulations. The following options are due to relative moderate ocean abundance forecasts of Oregon Coastal Natural (OCN) coho, an endangered species, Klamath River fall chinook and Sacramento River fall chinook.

Under all three options, the season is similar to current regulations with a unified 2005 season opening date of April 2 south of Point Arena and twenty-inch minimum size limit

below Horse Mountain to reflect the NMFS 2004 Biological Opinion for endangered Sacramento River winter chinook.

The options were as follows:

#### Option 1

This option provides the similar number of fishing days for all areas relative to 2003. The Klamath Management Zone (KMZ) sport fishery opens and closes 2 days earlier. The area between Horse Mountain and Point Arena (Fort Bragg) opens one day earlier and closes two days earlier. The areas south of Point Arena and Pigeon Point (San Francisco and Monterey) have 5 and 6 day delays in their respective openers and a reciprocal increase at the end of the season. In 2005, the opening date below Point Arena will be on the same day (April 2) with a twenty-inch minimum size limit south of Horse Mountain.

#### Option 2

This option provides the similar number of fishing days for all areas relative to 2003. The Klamath Management Zone (KMZ) sport fishery opens and closes 2 days earlier. The area between Horse Mountain and Point Arena (Fort Bragg) opens one day earlier and closes two days earlier. The areas south of Point Arena and Pigeon Point (San Francisco and Monterey) have 5 and 6 day delays in their respective openers and a reciprocal increase at the end of the season. In 2005, the opening date below Point Arena will be on the same day (April 2) with a twenty-inch minimum size limit south of Horse Mountain.

#### Option 3

This option provides the similar number of fishing days for all areas relative to 2003 except for the Klamath Management Zone (KMZ) area. The KMZ sport fishery opens 2 days earlier and closes 8 days earlier (a decrease of 6 fishing days). The area between Horse Mountain and Point Arena (Fort Bragg) opens one day earlier and closes two days earlier. The areas south of Point Arena and Pigeon Point (San Francisco and Monterey) have 5 and 6 day delays in their respective openers and a reciprocal increase at the end of the season. In 2005, the opening date below Point Arena will be on the same day (April 2) with a twenty-inch minimum size limit south of Horse Mountain.

**A minor editorial change was made in the definition of catch limits to simply the regulations. The Commission adopted Option 1 for the California sport fishery for all areas.**

## (REGULATORY LANGUAGE)

Section 27.80, Title 14, CCR is amended to read:

(a) Methods of take:

(1) General Provisions. Only by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See sections 1.74, 28.65 and 28.70.

(2) Barbless Hooks. No more than two (2) single point, single shank barbless hooks shall be used in the ocean north of Point Conception (34°27'00" N. lat.) when salmon fishing or fishing from any boat or floating device with salmon on board.

(3) Other Hook Restrictions. When fishing with bait in the ocean between Horse Mountain (40°05'00" N. lat.) and Point Conception, if angling by any other means than trolling, then no more than two (2) single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. See Section 28.65(g).

(4) One Rod Restriction north of Point Conception. Salmon may be taken by angling with no more than one rod in ocean waters north of Point Conception. See Section 28.65(e).

(b) Season:

(1) South of Pigeon Point (37° 11' 00" N. lat.). All waters of the ocean south of Pigeon Point are open to salmon fishing from ~~March 29, 2003~~April 3, 2004 through ~~September 28, 2003~~October 3, 2004 (Note: In ~~2004~~2005, the season will open April ~~32~~, the Saturday nearest ~~after~~ April 1).

(2) Between Point Arena (38° 57' 30" N. lat.) and Pigeon Point. All waters of the ocean between Point Arena and Pigeon Point are open to fishing from April ~~12, 2003~~17, 2004 through November ~~9, 2003~~14, 2004 (Note: In ~~2004~~2005, the season will open April ~~32~~, the Saturday nearest ~~after~~ April 1).

(3) Between Horse Mountain and Point Arena. All waters of the ocean between Horse Mountain and Point Arena are open to salmon fishing from February ~~15, 2003~~14, 2004, the Saturday nearest February 15, through November ~~16, 2003~~14, 2004, the Sunday nearest November 15 (Note: In ~~2004~~2005, the season will open February ~~14~~12, the Saturday nearest February 15).

(4) North of Horse Mountain and Humboldt Bay. All waters of the ocean north of Horse Mountain and Humboldt Bay are open to salmon fishing from May ~~17, 2003~~15, 2004 through September ~~14, 2003~~12, 2004 (Note: In ~~2004~~2005, the season will be decided in

April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process).

Exception: The ocean area surrounding the Klamath River mouth bounded on the north by 41°38'48"N lat. (approximately 6 nautical miles north of the Klamath River mouth), on the south by 41°26'48" N. lat. (approximately 6 nautical miles south of the Klamath River mouth), and extending 3 nautical miles offshore is closed to salmon fishing between August 1 and August 31. No salmon may be taken at any time in ocean waters at the mouths of the Smith and Klamath rivers and during August and September at the mouth of the Eel River. See Section 27.75.

(c) Limit:

(1) ~~North of Horse Mountain:~~ Two salmon per day. See subsection (c)(~~3~~2) below and Section 1.17.

(2) ~~South of Horse Mountain:~~ Two salmon per day. See subsection (c)(~~3~~2) below and Section 1.17.

(3)(2) Statewide Silver (coho) Salmon Restrictions: No silver (coho) salmon may be retained.

(d) Minimum size:

(1) North of Horse Mountain: Twenty inches total length.

(2) South of Horse Mountain: Twenty-four inches total length through April 30 and twenty inches total length thereafter. (Note: In ~~2004~~2005, the season will open with a minimum size of twenty-four inches total length).